



General Assembly

January Session, 2011

**Committee Bill No. 28**

LCO No. 2426

\*02426SB00028INS\*

Referred to Committee on Insurance and Real Estate

Introduced by:  
(INS)

**AN ACT CONCERNING SURETY BAIL BOND AGENTS AND  
PROFESSIONAL BONDSMEN.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-660 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) As used in this section, section 38a-660a, as amended by this act,  
4 and sections 3 to 14, inclusive, of this act:

5 (1) "Build-up funds" means a percentage of the premium received  
6 by a surety bail bond agent for the execution of a bail bond, which are  
7 held in a trust account by the insurer or managing general agent;

8 [(1)] (2) "Commissioner" means the Insurance Commissioner;

9 (3) "Disqualifying offense" means: (A) A felony; (B) a misdemeanor  
10 if an element of the offense involves dishonesty or misappropriation of  
11 money or property; or (C) a misdemeanor under section 21a-279, 53a-  
12 58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-176,  
13 53a-178 or 53a-181d;

14     (4) "Estreatment" or "estreature" means the enforcement of a  
15     forfeiture of a bail bond due to a failure of the principal to comply with  
16     a lawful appearance in court and the court order forfeiting such bail  
17     bond;

18     [(2)] (5) "Insurer" means any domestic, foreign or alien insurance  
19     company [which] ~~that~~ has qualified generally to transact surety  
20     business in this state under the requirements of chapter 698 and  
21     specifically to transact bail bond business in this state;

22     [(3) "Surety bail bond agent" means any person who has been  
23     approved by the commissioner and appointed by an insurer by power  
24     of attorney to execute or countersign bail bonds for the insurer in  
25     connection with judicial proceedings;]

26     [(4)] (6) "License" means a surety bail bond agent license issued by  
27     the commissioner to a qualified individual as provided in this section;

28     (7) "Managing general agent" means any person appointed or  
29     employed by an insurer to supervise or otherwise manage the bail  
30     bond business written in this state by surety bail bond agents  
31     appointed by such insurer;

32     [(5)] (8) "Solicit" includes any written or printed presentation or  
33     advertising made by mail or other publication, or any oral presentation  
34     or advertising in person or by means of telephone, radio or television  
35     which implies that an individual is licensed under this section, and any  
36     activity in arranging for bail which results in compensation to the  
37     individual conducting that activity; and

38     [(6) "Disqualifying offense" means: (A) A felony; or (B) a  
39     misdemeanor if an element of the offense involves dishonesty or  
40     misappropriation of money or property.]

41     (9) "Surety bail bond agent" means any person who has been  
42     approved by the commissioner and appointed by an insurer by power

43 of attorney to execute or countersign bail bonds for the insurer in  
44 connection with judicial proceedings.

45 (b) An insurer shall not execute an undertaking of bail in this state  
46 except by and through a person holding a license issued as provided in  
47 this section.

48 (c) A person shall not in this state solicit or negotiate in respect to  
49 execution or delivery of an undertaking of bail or bail bond on behalf  
50 of an insurer, or execute or deliver such an undertaking of bail or bail  
51 bond on behalf of an insurer unless licensed as provided in this  
52 section. No person engaged in law enforcement or vested with police  
53 powers shall be licensed as a surety bail bond agent. Any person who  
54 violates the provisions of this subsection shall be guilty of a class D  
55 felony.

56 (d) Only natural persons who are licensed under this section may  
57 execute bail bonds. A firm, partnership, association or corporation,  
58 desiring to execute an undertaking of bail in this state [must] shall do  
59 so by and through a person holding a license issued as provided in this  
60 section.

61 (e) Any person desiring to act within this state as a surety bail bond  
62 agent shall make a written application to the commissioner for a  
63 license in such form and having such supporting documents as the  
64 commissioner prescribes. Each application shall be signed by the  
65 applicant and shall be accompanied by a nonrefundable filing fee as  
66 [determined by the commissioner] specified in section 38a-11, as  
67 amended by this act. The applicant [must] shall also submit with the  
68 application a complete set of the applicant's fingerprints, certified by  
69 an authorized law enforcement officer, and two recent credential-sized  
70 full-face photographs of the applicant. At the time of application, each  
71 applicant for a license shall forward a copy of the applicant's complete  
72 application and supporting documents to the [bond forfeiture unit]  
73 Asset Forfeiture Bureau of the Office of the Chief State's Attorney.

74 (f) (1) Every applicant for a license [must] shall file with the  
75 commissioner a notice of appointment executed by an insurer or its  
76 authorized representative authorizing such applicant to execute  
77 undertakings of bail and to solicit and negotiate such undertakings on  
78 its behalf.

79 (2) An appointment of a person as a surety bail bond agent by an  
80 insurer pursuant to subdivision (1) of this subsection shall constitute  
81 certification by such insurer that, to the best of the insurer's knowledge  
82 and belief, such person is competent, financially responsible and  
83 suitable to serve as a representative of the insurer. No person shall  
84 represent to the public that such person has the authority to represent  
85 an insurer as its surety bail bond agent until such person has been  
86 appointed by an insurer as such agent in accordance with this section.  
87 An insurer shall be bound by the acts of such person within the scope  
88 of such person's actual or apparent authority as such insurer's agent.

89 (3) (A) Each appointment shall, by its terms, continue in force until:  
90 [(1)] (i) Termination of the surety bail bond agent's license; or [(2)] (ii)  
91 the filing of a notice of termination with the commissioner by the  
92 insurer or its representative or by such surety bail bond agent.

93 (B) No such agent shall engage or attempt to engage in any activity  
94 requiring such an appointment after the termination of such agent's  
95 appointment. An insurer that terminates the appointment of a surety  
96 bail bond agent may (i) authorize such agent to take into custody a  
97 defendant for whom a bail bond had been executed prior to the  
98 termination of such agent's appointment, and (ii) seek discharge of  
99 forfeitures and judgments paid by such insurer on behalf of such agent  
100 prior to such agent's termination.

101 (g) An applicant for a license shall be required to appear in person  
102 and take a written examination testing the applicant's competency and  
103 qualifications to act as a surety bail bond agent. The commissioner  
104 may designate an independent testing service to prepare and

105 administer such examination, provided any examination fees charged  
106 by such service shall be paid by the applicant. The commissioner shall  
107 collect the appropriate examination fee, which shall entitle the  
108 applicant to take the examination for the license, except when a testing  
109 service is used, the testing service shall pay such fee to the  
110 commissioner. In either case, such examination shall be as the  
111 commissioner prescribes and shall be of sufficient scope to test the  
112 applicant's knowledge of subjects pertinent to the duties and  
113 responsibilities of a surety bail bond agent, including all laws and  
114 regulations of this state applicable thereto.

115 (h) In addition to all other requirements prescribed in this section,  
116 each applicant for a license shall furnish satisfactory evidence to the  
117 commissioner that: (1) The applicant is at least eighteen years of age;  
118 (2) the applicant is a citizen of the United States; and (3) the applicant  
119 has never been convicted of a [felony or any misdemeanor under  
120 section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173,  
121 53a-175, 53a-176, 53a-178 or 53a-181d] disqualifying offense. The  
122 commissioner shall require each applicant to submit to a background  
123 investigation, including an investigation of any prior criminal activity,  
124 to be conducted by the Division of Criminal Justice. The Division of  
125 Criminal Justice shall require each applicant to submit to state and  
126 national criminal history records checks. Such criminal history records  
127 checks shall be conducted in accordance with section 29-17a.

128 (i) Upon [satisfying himself] determining that an applicant meets  
129 the licensing requirements of this state and is in all respects properly  
130 qualified and trustworthy and that the granting of such license is not  
131 against the public interest, the commissioner may issue to such  
132 applicant, upon payment of the license fee, as specified in section 38a-  
133 11, as amended by this act, the license applied for, in such form as he  
134 may adopt, to act within this state to the extent therein specified. Such  
135 license shall expire on January thirty-first of each even-numbered year.

136 (j) The commissioner may adopt regulations, in accordance with the

137 provisions of chapter 54, relating to the approval of schools offering  
138 courses in the duties and responsibilities of surety bail bond agents,  
139 the content of such courses and the advertising to the public of the  
140 services of these schools.

141 (k) (1) To further the enforcement of this section and sections 3 to 14,  
142 inclusive, of this act, and to determine the eligibility of any licensee,  
143 the commissioner may, as often as [he] the commissioner deems  
144 necessary, examine the books and records of any such licensee. Each  
145 person licensed as a surety bail bond agent in this state shall, on or  
146 before January thirty-first, annually, pay to the commissioner a fee of  
147 four hundred fifty dollars to cover the cost of examinations under this  
148 subsection.

149 (2) The fees received by the commissioner pursuant to subdivision  
150 (1) of this subsection shall be dedicated to conducting the examinations  
151 under said subdivision (1) and shall be deposited in the account  
152 established under subdivision (3) of this subsection.

153 (3) There is established an account to be known as the "surety bail  
154 bond agent examination account", which shall be a separate,  
155 nonlapsing account within the Insurance Fund established under  
156 section 38a-52a. The account shall contain any moneys required by law  
157 to be deposited in the account and any such moneys shall not be  
158 transferred to the General Fund.

159 (l) [A license may, in the discretion of the] The commissioner [ be  
160 renewed or continued] may renew or continue a license upon payment  
161 of the appropriate fee, as [the commissioner deems necessary]  
162 specified in section 38a-11, as amended by this act, without the  
163 resubmittal of the detailed information required in the original  
164 application.

165 [(m) The commissioner shall adopt regulations in accordance with  
166 the provisions of chapter 54 to implement subsections (a) to (l),  
167 inclusive, of this section.

168 (n) Any individual aggrieved by the action of the commissioner in  
169 revoking, suspending or refusing to reissue a license or in imposing a  
170 fine or penalty may appeal therefrom, in accordance with the  
171 provisions of section 4-183, except venue for such appeal shall be in the  
172 judicial district of Hartford. Appeals under this section shall be  
173 privileged in respect to the order of trial assignment.]

174 (m) Each surety bail bond agent shall provide written notice:

175 (1) To the commissioner, the appointing insurer and the managing  
176 general agent of a change in such surety bail bond agent's business  
177 name, principal business address or telephone number, not later than  
178 thirty days after such change;

179 (2) To the commissioner of a change in such surety bail bond agent's  
180 name or residence address, not later than thirty days after such change;  
181 and

182 (3) To the commissioner of (A) any bankruptcy proceeding in this or  
183 another state concerning such surety bail bond agent, or (B) any  
184 administrative action taken or any administrative order entered  
185 against such agent in this or another state, not later than thirty days  
186 after such proceeding, action or order. The written notice required  
187 under this subdivision shall be accompanied by all supporting  
188 documentation.

189 (n) The insurer, managing general agent or surety bail bond agent  
190 shall notify the commissioner in writing not later than five days after  
191 receiving notice or learning that a surety bail bond agent has been  
192 arrested for, pleaded guilty or nolo contendere to, or been found guilty  
193 of, a disqualifying offense in this state or an offense in any other state  
194 for which the essential elements are substantially the same as a  
195 disqualifying offense, whether judgment was entered or withheld by a  
196 court.

197 (o) Nothing in this section shall be construed as limiting an

198 individual's ability to operate as a professional bondsman in this state  
199 pursuant to chapter 533 provided such individual is in compliance  
200 with all requirements of said chapter.

201 Sec. 2. Section 38a-660a of the general statutes is repealed and the  
202 following is substituted in lieu thereof (*Effective October 1, 2011*):

203 The Insurance Commissioner shall furnish to all courts and to all  
204 organized police departments in the state, the names, principal  
205 business addresses and telephone numbers of all persons licensed as  
206 surety bail bond agents under this chapter and shall forthwith notify  
207 such courts and all such police departments of any change in any such  
208 agent's business name, principal business address, telephone number  
209 or status or of the suspension or revocation of the license of any such  
210 agent to engage in such business.

211 Sec. 3. (NEW) (*Effective October 1, 2011*) (a) No surety bail bond  
212 agent shall execute a bail bond without charging the premium rate  
213 approved by the commissioner pursuant to chapter 701 of the general  
214 statutes.

215 (b) Not later than the tenth day of each month, each surety bail bond  
216 agent shall certify to the commissioner under oath, on a form  
217 prescribed by the commissioner, that the premium for each surety bail  
218 bond executed by such agent in the preceding month was not less  
219 than, and did not exceed, the premium rate approved by the  
220 commissioner. The filing of a false certification by a surety bail bond  
221 agent shall be grounds for administrative action in accordance with  
222 section 38a-774 of the general statutes.

223 (c) Each insurer shall semiannually conduct an audit, for the period  
224 from January first to June thirtieth and from July first to December  
225 thirty-first, of each of its appointed surety bail bond agents to ensure  
226 such agents are charging the premium rate as required by subsection  
227 (a) of this section. Not later than forty-five days after the closing period  
228 of each audit, each insurer shall notify the commissioner of the failure



229 of any surety bail bond agent to charge the premium rate approved by  
230 the commissioner pursuant to chapter 701 of the general statutes. Such  
231 notice shall include the name of the surety bail bond agent, the case  
232 docket number if assigned, the total amount of the bail bond, the date  
233 the bail bond was executed, the five-digit identification code assigned  
234 to the insurer by the National Association of Insurance Commissioners  
235 and the date the premium was due.

236 (d) Not later than January thirty-first, annually, each insurer shall  
237 file with the commissioner a statement certifying the total amount of  
238 bail bonds executed by such insurer and the total amount of premiums  
239 collected by such insurer on such bail bonds in the calendar year  
240 preceding.

241 (e) Nothing in this section shall be construed to prohibit or limit a  
242 premium financing arrangement that complies with section 4 of this  
243 act.

244 Sec. 4. (NEW) (*Effective October 1, 2011*) (a) A surety bail bond agent  
245 may enter into a premium financing arrangement with a principal or  
246 any indemnitor in which such agent extends credit to such principal or  
247 indemnitor.

248 (b) If a surety bail bond agent enters into a premium financing  
249 arrangement, such agent shall require (1) the principal on the bail bond  
250 or any indemnitor to make a minimum down payment of thirty-five  
251 per cent of the premium due, at the premium rate approved by the  
252 commissioner pursuant to chapter 701 of the general statutes, and (2)  
253 the principal and any indemnitor to execute a promissory note for the  
254 balance of the premium due. Such promissory note shall provide that  
255 such balance shall be paid not later than fifteen months after the date  
256 of the execution of the bail bond. If such balance has not been paid in  
257 full to the surety bail bond agent by the due date or a payment due  
258 under such arrangement is more than sixty days in arrears, such agent  
259 shall file a verified complaint seeking appropriate relief with the court

260 not later than seventy-five days after such due date. The surety bail  
261 bond agent shall make a diligent effort to obtain judgment after filing  
262 such complaint on such promissory note unless good cause is shown  
263 for failure to obtain judgment, including, but not limited to, the filing  
264 for bankruptcy by the principal or the indemnitor or failure to serve  
265 process despite good faith efforts.

266       Sec. 5. (NEW) (*Effective October 1, 2011*) (a) All premiums, including  
267 any part of a premium that a surety bail bond agent is obligated to  
268 return to a principal or indemnitor, and other funds belonging to  
269 insurers or others that are received by a surety bail bond agent in  
270 performing such agent's duties as a surety bail bond agent shall be  
271 deemed trust funds received by such agent in a fiduciary capacity.  
272 Such agent shall account for and pay the same to the insurer or persons  
273 entitled to such funds pursuant to the surety bail bond agent's contract  
274 with the insurer or managing general agent. No fees, expenses or  
275 charges of any kind shall be deducted from any premium the surety  
276 bail bond agent is obligated to return to a principal or indemnitor,  
277 except as authorized under sections 3 to 12, inclusive, of this act.

278       (b) A surety bail bond agent shall keep and make available to the  
279 commissioner or the commissioner's designee any books, accounts and  
280 records as necessary to enable the commissioner to determine whether  
281 such agent is complying with the provisions of sections 3 to 12,  
282 inclusive, of this act. A surety bail bond agent shall preserve the books,  
283 accounts and records pertaining to a premium payment for at least  
284 three years after making such payment. Records that are preserved by  
285 photographic or digital reproduction or records that are in  
286 photographic or digital form shall be deemed to be in compliance with  
287 this subsection.

288       (c) Any surety bail bond agent who diverts or appropriates any of  
289 the funds received under subsection (a) of this section for such agent's  
290 own use shall be subject to the penalties for larceny under sections 53a-  
291 122 to 53a-125b, inclusive, of the general statutes, depending on the

292 amount involved.

293       Sec. 6. (NEW) (*Effective October 1, 2011*) Each surety bail bond agent  
294 shall maintain all records of surety bail bonds executed or  
295 countersigned by such agent for at least three years after the liability of  
296 the insurer has been terminated. Such records shall be open at all times  
297 to examination, inspection and photographic or digital reproduction  
298 by any employee or agent of the Insurance Department, an authorized  
299 representative of the insurer or a managing general agent. The  
300 commissioner may require a surety bail bond agent, at any time, to  
301 furnish to the Insurance Department, in such manner or form as the  
302 commissioner may require, any information concerning the surety bail  
303 bond business of such agent.

304       Sec. 7. (NEW) (*Effective October 1, 2011*) (a) A surety bail bond agent  
305 or a managing general agent shall post build-up funds with an insurer  
306 or managing general agent pursuant to the surety bail bond agent's  
307 contract with the insurer or managing general agent or the managing  
308 general agent's contract with the insurer, as applicable. The insurer or  
309 managing general agent shall establish an individual build-up trust  
310 account for the surety bail bond agent in a federally insured bank or  
311 savings and loan association in this state, jointly in the name of the  
312 surety bail bond agent and the insurer or managing general agent, or  
313 in trust for the surety bail bond agent by the insurer or managing  
314 general agent. The insurer or managing general agent shall  
315 immediately deposit build-up funds received from the surety bail  
316 bond agent in the build-up trust account. Interest earned on any such  
317 deposits shall accrue to the surety bail bond agent. The account shall  
318 be open to inspection and examination by the Insurance Department at  
319 all times. The insurer or managing general agent shall maintain an  
320 accounting of all build-up funds and such accounting shall designate  
321 the amounts collected on each bail bond executed.

322       (b) Build-up funds shall be used to compensate the insurer or  
323 managing general agent for any losses such insurer or managing

324 general agent incurs in the apprehension of a defendant or to pay  
325 forfeitures of bail bonds executed by the surety bail bond agent.

326 (c) Build-up funds, as established by the surety bail bond agent's  
327 contract with the insurer or managing general agent, shall not exceed  
328 forty per cent of the premium.

329 (d) Upon the termination of the surety bail bond agent's contract  
330 and discharge of liabilities on the bail bonds for which the build-up  
331 funds were posted, the insurer or managing general agent shall pay  
332 the build-up funds, minus the expenses permitted to be recovered by  
333 the insurer or managing general agent under subsection (b) of this  
334 section, to the surety bail bond agent not later than six months after  
335 such termination and discharge of liabilities.

336 Sec. 8. (NEW) (*Effective October 1, 2011*) (a) A surety bail bond agent  
337 may receive collateral security or other indemnity on a bail bond.

338 (b) A surety bail bond agent who receives collateral security or other  
339 indemnity on a bail bond shall comply with all of the following  
340 requirements:

341 (1) The collateral security or other indemnity shall be reasonable in  
342 relation to the amount of the bail bond;

343 (2) The collateral security or other indemnity shall not be used by  
344 the surety bail bond agent for personal benefit or gain and shall be  
345 returned in the same condition as received;

346 (3) Acceptable forms of collateral security or other indemnity  
347 include, but are not limited to, cash or its equivalent, a promissory  
348 note, an indemnity agreement, a real property mortgage in the name of  
349 the insurer or any Uniform Commercial Code filing;

350 (4) The surety bail bond agent shall provide to the person providing  
351 the collateral security or other indemnity a written, numbered receipt  
352 that describes in a detailed manner the collateral security or other

353 indemnity provided, along with copies of any documents rendered;

354 (5) The surety bail bond agent shall hold the collateral security or  
355 other indemnity in a fiduciary capacity and shall, prior to any  
356 forfeiture of a bail bond, keep the collateral security or other indemnity  
357 separate and apart from any other funds or assets of the surety bail  
358 bond agent;

359 (6) If the surety bail bond agent receives collateral security or other  
360 indemnity in excess of fifty thousand dollars in cash, the cash amount  
361 shall be made payable to the insurer in the form of a cashier's check,  
362 United States postal money order, certificate of deposit or wire  
363 transfer; and

364 (7) If the surety bail bond agent receives collateral security or other  
365 indemnity in excess of fifty thousand dollars in cash or its equivalent,  
366 the agent shall promptly forward the entire amount of such collateral  
367 security or other indemnity to the insurer or managing general agent.

368 (c) The surety bail bond agent may deposit collateral security or  
369 other indemnity in an interest-bearing account in a federally insured  
370 bank or savings and loan association in this state, to accrue to the  
371 benefit of the person providing the collateral security or other  
372 indemnity. The surety bail bond agent, insurer or managing general  
373 agent shall not receive any pecuniary gain on the collateral security or  
374 other indemnity deposited.

375 (d) (1) The insurer shall be liable for all collateral security or other  
376 indemnity received by a surety bail bond agent. If, upon final  
377 termination of liability on a bail bond, the surety bail bond agent or  
378 managing general agent fails to return the collateral security or other  
379 indemnity to the person who provided it, the insurer shall return the  
380 actual collateral or other indemnity to such person or, in the event that  
381 the insurer cannot locate the collateral security or other indemnity,  
382 shall pay such person the value of the collateral security or other  
383 indemnity.

384 (2) An insurer's liability as described in subdivision (1) of this  
385 subsection shall survive the termination of the surety bail bond agent's  
386 appointment, with respect to those bail bonds that were executed by  
387 the surety bail bond agent prior to the termination of the appointment.

388 (e) (1) If a forfeiture of the bail bond occurs, the surety bail bond  
389 agent or insurer shall give the principal on the bail bond and the  
390 person who provided the collateral security or other indemnity thirty  
391 days written notice of intent to convert the collateral security or other  
392 indemnity into cash to satisfy the forfeiture. The notice shall be sent by  
393 certified mail, return receipt requested, to the last-known address of  
394 the principal and the person who provided the collateral security or  
395 other indemnity.

396 (2) If a stay of execution upon such forfeiture is ordered pursuant to  
397 section 54-65a of the general statutes, the surety bail bond agent or  
398 insurer shall send such written notice by certified mail, return receipt  
399 requested, to the last-known address of the principal and the person  
400 who provided the collateral security or other indemnity, at least thirty  
401 days prior to the expiration of such stay.

402 (3) (A) The surety bail bond agent or insurer shall convert the  
403 collateral security or other indemnity into cash within a reasonable  
404 period of time and return to the principal or the person who provided  
405 the collateral security or other indemnity any amount in excess of the  
406 face value of the bail bond, minus the actual and reasonable expenses  
407 of converting the collateral security or other indemnity into cash. Such  
408 expenses shall not exceed ten per cent of the face value of the bail  
409 bond. If a surety bail bond agent expends more than ten per cent of the  
410 face value of the bail bond to convert the collateral security or other  
411 indemnity into cash, such agent may file an application with the court,  
412 which may allow recovery of the full amount of the actual and  
413 reasonable expenses upon motion and proof that the actual and  
414 reasonable expenses exceed ten per cent of the face value of the bail  
415 bond.

416 (B) If a forfeiture of the bail bond occurs and the insurer paid the  
417 bail bond, the insurer shall pay to the person who provided the  
418 collateral security or other indemnity the value of any collateral  
419 security or other indemnity received on the bail bond, minus the actual  
420 and reasonable expenses permitted to be recovered under this  
421 subsection.

422 (f) Any agreement that violates the provisions of sections 3 to 12,  
423 inclusive, of this act shall be void. A surety bail bond agent or insurer  
424 shall not enter into any agreement as to the value of the collateral  
425 security or other indemnity that does not reflect the actual value of  
426 such collateral security or other indemnity.

427 (g) Prior to the appointment of a surety bail bond agent who is  
428 currently or was previously appointed by another insurer, the surety  
429 bail bond agent shall file with the commissioner a sworn and notarized  
430 affidavit, on a form prescribed by the commissioner, stating that: (1)  
431 There has been no loss, misappropriation, conversion or theft of any  
432 collateral security or other indemnity being held by the agent in trust  
433 for any insurer by which the agent is currently or was previously  
434 appointed; (2) all collateral security or other indemnity being held in  
435 trust by the agent and all records for any insurer by which the agent is  
436 currently or was previously appointed are available for immediate  
437 audit and inspection by the commissioner, the insurer, or the  
438 managing general agent; and (3) such records will, upon demand of  
439 the commissioner or insurer, be transmitted to the insurer for whom  
440 the collateral security or other indemnity is being held in trust.

441 Sec. 9. (NEW) (*Effective October 1, 2011*) (a) If collateral security or  
442 other indemnity was received on a bail bond by a surety bail bond  
443 agent and such bond is terminated, the insurer, managing general  
444 agent or surety bail bond agent shall return the collateral security or  
445 other indemnity, except a promissory note or an indemnity agreement,  
446 not later than twenty-one days after receipt of a written report from  
447 the court that the bail bond has been terminated. Such collateral

448 security or other indemnity shall be returned to the person who  
449 provided the collateral security or other indemnity unless another  
450 disposition is provided for by legal assignment to another person of  
451 the right to receive the return of the collateral security or other  
452 indemnity. If, despite diligent inquiry by the insurer or managing  
453 general agent to determine whether the bail bond has been terminated,  
454 the court fails to provide any written report on termination, the  
455 collateral security or other indemnity, except a promissory note or an  
456 indemnity agreement, shall be returned to the person who provided  
457 the collateral security or other indemnity not later than twenty-one  
458 days after the insurer, managing general agent or surety bail bond  
459 agent has become aware that the bail bond has been terminated.

460 (b) No fee or other charge, other than as authorized under sections 3  
461 to 12, inclusive, of this act, shall be deducted from the collateral  
462 security or other indemnity due. Actual expenses incurred by a surety  
463 bail bond agent in the apprehension of a defendant because of a  
464 forfeiture of a bail bond or judgment may be deducted if such expenses  
465 are accounted for.

466 (c) Any person who violates this section shall be subject to the  
467 penalties for larceny under sections 53a-122 to 53a-125b, inclusive, of  
468 the general statutes, depending on the amount involved.

469 Sec. 10. (NEW) (*Effective October 1, 2011*) (a) No insurer, managing  
470 general agent or surety bail bond agent shall furnish to any person any  
471 blank form, application, stationery, business card or other supplies to  
472 be used in the solicitation, negotiation or execution of bail bonds  
473 unless such person is licensed to act as a surety bail bond agent and is  
474 appointed by an insurer as required in section 38a-660 of the general  
475 statutes, as amended by this act. Except for a power of attorney form, a  
476 bond appearance form or a collateral security or other indemnity  
477 receipt, this section shall not prohibit an unlicensed employee who is  
478 under the direct supervision and control of a licensed and appointed  
479 surety bail bond agent from possessing or working with any other



480 form used in the surety bail bond agent's or insurer's office's daily  
481 business activities.

482 (b) Any insurer that furnishes any of the supplies set forth in  
483 subsection (a) of this section to any surety bail bond agent or other  
484 person not appointed by such insurer, and that accepts any bail bond  
485 business from or executes any bail bond business for such surety bail  
486 bond agent or other person, shall be liable on the bail bond to the same  
487 extent and in the same manner as if the surety bail bond agent or other  
488 person had been appointed or authorized by such insurer to act on its  
489 behalf.

490 Sec. 11. (NEW) (*Effective October 1, 2011*) (a) No surety bail bond  
491 agent or insurer shall:

492 (1) Suggest or advise, in exchange for a fee or other consideration,  
493 the employment of or name for employment of any particular attorney  
494 to represent the principal on a bail bond;

495 (2) Directly or indirectly solicit business, unless a request is initiated  
496 by an arrested person or potential indemnitor, in or on the property or  
497 grounds of a correctional institution, community correctional center or  
498 other detention facility where arrested persons are confined, or within  
499 any police station or courthouse. For purposes of this subdivision,  
500 "solicit" includes the distribution of business cards, print advertising or  
501 any other written information directed to arrested persons or potential  
502 indemnitors. Permissible print advertising by a surety bail bond agent  
503 or an insurer in or on the property or grounds of a correctional  
504 institution, community correctional center or other detention facility  
505 where arrested persons are confined, or in or on the property or  
506 grounds of any courthouse shall be limited to a listing in a telephone  
507 directory and the posting of the surety bail bond agent's name, address  
508 and telephone number in a prominent designated location in or on  
509 such property or grounds;

510 (3) Wear or otherwise display any surety bail bond agent

511 identification, other than a surety bail bond agent license or surety bail  
512 bond agent identification issued or approved by the Insurance  
513 Commissioner, in or on the property or grounds of a correctional  
514 institution, community correctional center or other detention facility  
515 where arrested persons are confined, or in or on the property or  
516 grounds of any courthouse;

517 (4) Pay a fee or rebate or give or promise anything of value to a law  
518 enforcement officer, judicial marshal, employee of the Department of  
519 Correction or other person who has power to arrest or to hold a person  
520 in custody, or to any other public official or public employee, to secure  
521 a compromise, remission or reduction of the amount of any bail bond  
522 or estreatment of bail;

523 (5) Pay a fee or rebate or give or promise anything of value to an  
524 attorney in any matter pertaining to a bail bond, except in defense of  
525 any action on a bail bond;

526 (6) Pay a fee or rebate or give or promise anything of value to the  
527 principal or to any person on the principal's behalf;

528 (7) Participate in the capacity of an attorney at a proceeding of a  
529 principal, in violation of section 51-88 of the general statutes;

530 (8) Accept anything of value from a principal for providing a bail  
531 bond, other than the premium approved by the commissioner  
532 pursuant to chapter 701 of the general statutes and an expense fee,  
533 except that the surety bail bond agent may accept collateral security or  
534 other indemnity from a principal or other person in accordance with  
535 section 9 of this act. A surety bail bond agent may, upon written  
536 agreement with a third party, receive a fee or other compensation for  
537 returning to custody an individual who has fled the jurisdiction of the  
538 court or whose bail bond has been forfeited;

539 (9) Execute a bail bond in this state on such agent's or insurer's own  
540 behalf; or

541 (10) Execute a bail bond in this state for an arrested person if such  
542 arrested person or a person with actual or apparent authority to act on  
543 behalf of such arrested person has not authorized such agent, in  
544 writing, to execute a bail bond on such arrested person's behalf.

545 (b) If a bail bond executed by a surety bail bond agent is forfeited  
546 and such forfeiture has remained unpaid for at least sixty days after  
547 the date payment has become due, no such surety bail bond agent or  
548 insurer that appointed such agent shall execute a bail bond in this state  
549 until the full amount of the forfeited bail bond is paid to the Office of  
550 the Chief State's Attorney in accordance with procedures set forth by  
551 said office.

552 Sec. 12. (NEW) (*Effective October 1, 2011*) (a) Each insurer and each  
553 surety bail bond agent that executes bail bonds in this state shall  
554 maintain and transmit the following information, based on such  
555 insurer's or such agent's Connecticut bail bond business, to the  
556 Insurance Department upon request and, with respect to a surety bail  
557 bond agent, shall report the information separately for each insurer  
558 represented, except that subdivisions (1), (12) and (13) of this  
559 subsection shall apply only to insurers:

560 (1) Commissions paid;

561 (2) The number of, and the total dollar amount of, bail bonds  
562 executed;

563 (3) The number of, and the total dollar amount of, bail bonds  
564 ordered forfeited;

565 (4) The number of, and the total dollar amount of, forfeitures  
566 discharged, remitted or otherwise recovered prior to payment for any  
567 reason;

568 (5) The number of, and the total dollar amount of, forfeitures  
569 discharged, remitted or otherwise recovered prior to payment due to

570 the apprehension of the principal on the bail bond by the surety bail  
571 bond agent;

572 (6) The number of, and the total dollar amount of, forfeited bail  
573 bonds that have not been reinstated pursuant to section 54-65a of the  
574 general statutes;

575 (7) The number of, and the total dollar amount of, forfeitures paid  
576 and subsequently recovered by the Office of the Chief State's Attorney  
577 by discharge, remission or otherwise;

578 (8) A list of every outstanding or unpaid forfeiture, estreature and  
579 judgment, with the case number and the name of the court in which  
580 such forfeiture, estreature or judgment is recorded and the name of  
581 each agency or firm that employs the surety bail bond agent;

582 (9) The number of, and the total dollar amount of, bail bonds for  
583 which collateral security or other indemnity was received;

584 (10) The actual value of collateral security or other indemnity  
585 converted, excluding the cost of converting the collateral security or  
586 other indemnity;

587 (11) The cost of converting collateral security or other indemnity;

588 (12) The underwriting gain or loss;

589 (13) The net investment gain or loss allocated to the flow of funds  
590 associated with Connecticut business; and

591 (14) Such additional information as the Insurance Department may  
592 require to: (A) Evaluate the reasonableness of rates or ensure that such  
593 rates are not excessive, inadequate or unfairly discriminatory; (B)  
594 evaluate the financial condition or trade practices of surety bail bond  
595 agents and insurers executing bail bonds; and (C) evaluate the  
596 performance of the surety bail bond agents and insurers executing bail  
597 bonds in accordance with appropriate criminal justice system goals

598 and standards.

599 (b) Each surety bail bond agent shall submit a copy of such  
600 information to each insurer such agent represents.

601 (c) The commissioner shall meet at least annually with a group of  
602 surety bail bond agents and insurers, and any other representatives the  
603 commissioner deems necessary, to discuss the reporting requirements  
604 set forth in subsection (a) of this section.

605 Sec. 13. (NEW) (*Effective October 1, 2011*) (a) The commissioner may  
606 suspend or revoke the license of a surety bail bond agent, or may  
607 impose a fine in lieu of or in addition to such suspension or revocation  
608 in accordance with section 38a-774 of the general statutes for any  
609 violation of section 38a-660 of the general statutes, as amended by this  
610 act, and sections 3 to 12, inclusive, of this act.

611 (b) Upon the surrender, suspension or revocation of a surety bail  
612 bond agent's license, the appointing insurer or managing general agent  
613 shall immediately designate a licensed and appointed surety bail bond  
614 agent to administer all bail bonds previously executed by the licensee.

615 (c) Any individual aggrieved by the action of the commissioner  
616 under subsection (a) of this section may appeal therefrom, in  
617 accordance with section 38a-774 of the general statutes.

618 Sec. 14. (NEW) (*Effective October 1, 2011*) The commissioner may  
619 adopt regulations, in accordance with the provisions of chapter 54 of  
620 the general statutes, to implement the provisions of section 38a-660 of  
621 the general statutes, as amended by this act, and sections 3 to 12,  
622 inclusive, of this act.

623 Sec. 15. Subsection (a) of section 38a-11 of the general statutes is  
624 repealed and the following is substituted in lieu thereof (*Effective*  
625 *October 1, 2011*):

626 (a) The commissioner shall demand and receive the following fees:

627 (1) For the annual fee for each license issued to a domestic insurance  
628 company, two hundred dollars; (2) for receiving and filing annual  
629 reports of domestic insurance companies, fifty dollars; (3) for filing all  
630 documents prerequisite to the issuance of a license to an insurance  
631 company, two hundred twenty dollars, except that the fee for such  
632 filings by any health care center, as defined in section 38a-175, shall be  
633 one thousand three hundred fifty dollars; (4) for filing any additional  
634 paper required by law, thirty dollars; (5) for each certificate of  
635 valuation, organization, reciprocity or compliance, forty dollars; (6) for  
636 each certified copy of a license to a company, forty dollars; (7) for each  
637 certified copy of a report or certificate of condition of a company to be  
638 filed in any other state, forty dollars; (8) for amending a certificate of  
639 authority, two hundred dollars; (9) for each license issued to a rating  
640 organization, two hundred dollars. In addition, insurance companies  
641 shall pay any fees imposed under section 12-211; (10) a filing fee of  
642 fifty dollars for each initial application for a license made pursuant to  
643 section 38a-769; (11) with respect to insurance agents' appointments:  
644 (A) A filing fee of fifty dollars for each request for any agent  
645 appointment, except that no filing fee shall be payable for a request for  
646 agent appointment by an insurance company domiciled in a state or  
647 foreign country which does not require any filing fee for a request for  
648 agent appointment for a Connecticut insurance company; (B) a fee of  
649 one hundred dollars for each appointment issued to an agent of a  
650 domestic insurance company or for each appointment continued; and  
651 (C) a fee of eighty dollars for each appointment issued to an agent of  
652 any other insurance company or for each appointment continued,  
653 except that (i) no fee shall be payable for an appointment issued to an  
654 agent of an insurance company domiciled in a state or foreign country  
655 which does not require any fee for an appointment issued to an agent  
656 of a Connecticut insurance company, and (ii) the fee shall be twenty  
657 dollars for each appointment issued or continued to an agent of an  
658 insurance company domiciled in a state or foreign country with a  
659 premium tax rate below Connecticut's premium tax rate; (12) with  
660 respect to insurance producers: (A) An examination fee of fifteen

661 dollars for each examination taken, except when a testing service is  
662 used, the testing service shall pay a fee of fifteen dollars to the  
663 commissioner for each examination taken by an applicant; (B) a fee of  
664 eighty dollars for each license issued; (C) a fee of eighty dollars per  
665 year, or any portion thereof, for each license renewed; and (D) a fee of  
666 eighty dollars for any license renewed under the transitional process  
667 established in section 38a-784; (13) with respect to public adjusters: (A)  
668 An examination fee of fifteen dollars for each examination taken,  
669 except when a testing service is used, the testing service shall pay a fee  
670 of fifteen dollars to the commissioner for each examination taken by an  
671 applicant; and (B) a fee of two hundred fifty dollars for each license  
672 issued or renewed; (14) with respect to casualty adjusters: (A) An  
673 examination fee of twenty dollars for each examination taken, except  
674 when a testing service is used, the testing service shall pay a fee of  
675 twenty dollars to the commissioner for each examination taken by an  
676 applicant; (B) a fee of eighty dollars for each license issued or renewed;  
677 and (C) the expense of any examination administered outside the state  
678 shall be the responsibility of the entity making the request and such  
679 entity shall pay to the commissioner two hundred dollars for such  
680 examination and the actual traveling expenses of the examination  
681 administrator to administer such examination; (15) with respect to  
682 motor vehicle physical damage appraisers: (A) An examination fee of  
683 eighty dollars for each examination taken, except when a testing  
684 service is used, the testing service shall pay a fee of eighty dollars to  
685 the commissioner for each examination taken by an applicant; (B) a fee  
686 of eighty dollars for each license issued or renewed; and (C) the  
687 expense of any examination administered outside the state shall be the  
688 responsibility of the entity making the request and such entity shall  
689 pay to the commissioner two hundred dollars for such examination  
690 and the actual traveling expenses of the examination administrator to  
691 administer such examination; (16) with respect to certified insurance  
692 consultants: (A) An examination fee of twenty-six dollars for each  
693 examination taken, except when a testing service is used, the testing  
694 service shall pay a fee of twenty-six dollars to the commissioner for

each examination taken by an applicant; (B) a fee of two hundred fifty dollars for each license issued; and (C) a fee of two hundred fifty dollars for each license renewed; (17) with respect to surplus lines brokers: (A) An examination fee of twenty dollars for each examination taken, except when a testing service is used, the testing service shall pay a fee of twenty dollars to the commissioner for each examination taken by an applicant; and (B) a fee of six hundred twenty-five dollars for each license issued or renewed; (18) with respect to fraternal agents, a fee of eighty dollars for each license issued or renewed; (19) a fee of twenty-six dollars for each license certificate requested, whether or not a license has been issued; (20) with respect to domestic and foreign benefit societies shall pay: (A) For service of process, fifty dollars for each person or insurer to be served; (B) for filing a certified copy of its charter or articles of association, fifteen dollars; (C) for filing the annual report, twenty dollars; and (D) for filing any additional paper required by law, fifteen dollars; (21) with respect to foreign benefit societies: (A) For each certificate of organization or compliance, fifteen dollars; (B) for each certified copy of permit, fifteen dollars; and (C) for each copy of a report or certificate of condition of a society to be filed in any other state, fifteen dollars; (22) with respect to reinsurance intermediaries, [ : A] a fee of six hundred twenty-five dollars for each license issued or renewed; (23) with respect to life settlement providers: (A) A filing fee of twenty-six dollars for each initial application for a license made pursuant to section 38a-465a; and (B) a fee of forty dollars for each license issued or renewed; (24) with respect to life settlement brokers: (A) A filing fee of twenty-six dollars for each initial application for a license made pursuant to section 38a-465a; and (B) a fee of forty dollars for each license issued or renewed; (25) with respect to preferred provider networks, a fee of two thousand seven hundred fifty dollars for each license issued or renewed; (26) with respect to rental companies, as defined in section 38a-799, a fee of eighty dollars for each permit issued or renewed; (27) with respect to medical discount plan organizations licensed under section 38a-479rr, a fee of six hundred



729 twenty-five dollars for each license issued or renewed; (28) with  
730 respect to pharmacy benefits managers, an application fee of one  
731 hundred dollars for each registration issued or renewed; (29) with  
732 respect to captive insurance companies, as defined in section 38a-91aa,  
733 a fee of three hundred seventy-five dollars for each license issued or  
734 renewed; [and] (30) with respect to each duplicate license issued a fee  
735 of fifty dollars for each license issued; and (31) with respect to surety  
736 bail bond agents, as defined in section 38a-660, as amended by this act,  
737 (A) a filing fee of one hundred fifty dollars for each initial application  
738 for a license, and (B) a fee of one hundred dollars for each license  
739 issued or renewed.

740 Sec. 16. Section 29-145 of the general statutes is repealed and the  
741 following is substituted in lieu thereof (*Effective October 1, 2011*):

742 Any person desiring to engage in the business of a professional  
743 bondsman shall apply to the Commissioner of Public Safety for a  
744 license. [therefor.] Such application shall set forth under oath the full  
745 name, age, residence, telephone number and occupation of the  
746 applicant, whether the applicant intends to engage in the business of a  
747 professional bondsman individually or in partnership or association  
748 with another or others, and, if so, the identity of each. It shall also set  
749 forth under oath a statement of the assets and liabilities of the  
750 applicant, and whether the applicant has been charged with or  
751 convicted of crime, and such other information, including fingerprints  
752 and photographs, as said commissioner from time to time may require.  
753 The commissioner shall require the applicant to submit to state and  
754 national criminal history records checks. The criminal history records  
755 checks required pursuant to this section shall be conducted in  
756 accordance with section 29-17a. No person who has been convicted of  
757 a felony shall be licensed to do business as a professional bondsman in  
758 this state. No person engaged in law enforcement or vested with police  
759 powers shall be licensed to do business as a professional bondsman.

760 Sec. 17. Section 29-148 of the general statutes is repealed and the

761 following is substituted in lieu thereof (*Effective October 1, 2011*):

762 Each professional bondsman licensed under the provisions of this  
763 chapter shall: [forthwith inform] (1) Inform the Commissioner of  
764 Public Safety, in writing, of (A) a change in such professional  
765 bondsman's name, residence address or telephone number, not later  
766 than thirty days after such change, and (B) any material change in [his]  
767 such professional bondsman's assets or liabilities affecting [his] such  
768 bondsman's responsibility as a bondsman; and [shall] (2) at any time,  
769 upon request of said commissioner, furnish [him] said commissioner  
770 with a statement under oath of [his] such professional bondsman's  
771 assets and liabilities, including all bail bonds on which such bondsman  
772 is obligated.

773 Sec. 18. Section 29-149 of the general statutes is repealed and the  
774 following is substituted in lieu thereof (*Effective October 1, 2011*):

775 The Commissioner of Public Safety shall furnish to all courts and to  
776 all town, city and borough departments in the state, having authority  
777 to accept bail, the names, residence addresses and telephone numbers  
778 of all professional bondsmen licensed under the provisions of this  
779 chapter and shall forthwith notify such courts and all such town, city  
780 and borough departments of any change in any such bondsman's  
781 name, residence address, telephone number or status or of the  
782 suspension or revocation of any bondsman's license to engage in such  
783 business.

784 Sec. 19. Section 29-152 of the general statutes is repealed and the  
785 following is substituted in lieu thereof (*Effective October 1, 2011*):

786 Any person who violates any provision of [this chapter] sections 29-  
787 145, as amended by this act, 29-148, as amended by this act, 29-150 and  
788 29-151 shall be fined not more than one thousand dollars or  
789 imprisoned not more than two years or both and [his] such person's  
790 right to engage in the business of a professional bondsman in this state  
791 shall thereupon be permanently forfeited.

792 Sec. 20. (NEW) (*Effective October 1, 2011*) To carry out the provisions  
793 of sections 29-144 to 29-151, inclusive, of the general statutes, as  
794 amended by this act, and sections 21 and 22 of this act, the  
795 Commissioner of Public Safety may:

796 (1) Inspect the books and records of any professional bondsman as  
797 often as the commissioner deems necessary. Said commissioner may  
798 consult with the Insurance Commissioner to carry out such  
799 inspections. The Commissioner of Public Safety may adopt  
800 regulations, in accordance with chapter 54 of the general statutes, to  
801 (A) establish procedures for such inspections, (B) specify the content  
802 and form of books and records required to be kept by professional  
803 bondsmen, or (C) require a fee to be paid by professional bondsmen to  
804 cover the cost of inspections; and

805 (2) Adopt regulations, in accordance with chapter 54 of the general  
806 statutes, to carry out the provisions of sections 29-144 to 29-151,  
807 inclusive, of the general statutes, as amended by this act, and sections  
808 21 and 22 of this act.

809 Sec. 21. (NEW) (*Effective October 1, 2011*) (a) No professional  
810 bondsman shall:

811 (1) Suggest or advise, in exchange for a fee or other consideration,  
812 the employment of or name for employment of any particular attorney  
813 to represent the principal on a bail bond;

814 (2) Directly or indirectly solicit business, unless a request is initiated  
815 by an arrested person or potential indemnitor, in or on the property or  
816 grounds of a correctional institution, community correctional center or  
817 other detention facility where arrested persons are confined, or within  
818 any police station or courthouse. For purposes of this subdivision,  
819 "solicit" includes the distribution of business cards, print advertising or  
820 any other written information directed to arrested persons or potential  
821 indemnitors. Permissible print advertising by a professional bondsman  
822 in or on the property or grounds of a correctional institution,

823 community correctional center or other detention facility where  
824 arrested persons are confined, or in or on the property or grounds of  
825 any courthouse shall be limited to a listing in a telephone directory and  
826 the posting of the professional bondsman's name, address and  
827 telephone number in a prominent designated location in or on such  
828 property or grounds;

829 (3) Wear or otherwise display any professional bondsman  
830 identification, other than a professional bondsman license or  
831 professional bondsman identification issued or approved by the  
832 Commissioner of Public Safety, in or on the property or grounds of a  
833 correctional institution, community correctional center or other  
834 detention facility where arrested persons are confined, or in or on the  
835 property or grounds of any courthouse;

836 (4) Pay a fee or rebate or give or promise anything of value to a law  
837 enforcement officer, judicial marshal, employee of the Department of  
838 Correction or other person who has power to arrest or to hold a person  
839 in custody, or to any other public official or public employee to secure  
840 a compromise, remission or reduction of the amount of any bail bond  
841 or estreatment of bail;

842 (5) Pay a fee or rebate or give or promise anything of value to an  
843 attorney in any matter pertaining to a bail bond, except in defense of  
844 any action on a bail bond;

845 (6) Pay a fee or rebate or give or promise anything of value to the  
846 principal or to any person on the principal's behalf;

847 (7) Participate in the capacity of an attorney at a proceeding of a  
848 principal, in violation of section 51-88 of the general statutes;

849 (8) Accept anything of value from a principal for providing a bail  
850 bond, other than the commission or fee authorized under section 29-  
851 151 of the general statutes, except that the professional bondsman may  
852 accept collateral security or other indemnity on a bail bond from a

853 principal or other person in accordance with section 22 of this act. A  
854 professional bondsman may, upon written agreement with a third  
855 party, receive a fee or other compensation for returning to custody an  
856 individual who has fled the jurisdiction of the court or whose bail  
857 bond has been forfeited;

858 (9) Execute a bail bond in this state on such professional bondsman's  
859 own behalf; or

860 (10) Execute a bail bond in this state for an arrested person if such  
861 arrested person or a person with actual or apparent authority to act on  
862 behalf of such arrested person has not authorized such bondsman, in  
863 writing, to execute a bail bond on such arrested person's behalf.

864 (b) If a bail bond executed by a professional bondsman is forfeited  
865 and such forfeiture has remained unpaid for at least sixty days after  
866 the date payment has become due, no such bondsman shall execute a  
867 bail bond in this state until the full amount of the forfeited bail bond is  
868 paid to the Office of the Chief State's Attorney in accordance with  
869 procedures set forth by said office.

870 Sec. 22. (NEW) (*Effective October 1, 2011*) (a) A professional  
871 bondsman may accept collateral security or other indemnity on a bail  
872 bond.

873 (b) If collateral security or other indemnity was received on a bail  
874 bond by a professional bondsman and such bond is terminated, such  
875 bondsman shall return the collateral security or other indemnity,  
876 except a promissory note or an indemnity agreement, not later than  
877 twenty-one days after receipt of a written report from the court that  
878 the bail bond has been terminated. Such collateral security or other  
879 indemnity shall be returned to the person who gave the collateral  
880 security or other indemnity unless another disposition is provided for  
881 by legal assignment to another person of the right to receive the return  
882 of the collateral security or other indemnity. If, despite diligent inquiry  
883 by the professional bondsman to determine whether the bail bond has

884 been terminated, the court fails to provide any written report on  
885 termination, the collateral security or other indemnity, except a  
886 promissory note or an indemnity agreement, shall be returned to the  
887 person who provided the collateral security or other indemnity not  
888 later than twenty-one days after the professional bondsman has  
889 become aware that the bail bond has been terminated.

890 (c) No fee or other charge shall be deducted from the collateral  
891 security or other indemnity due, except that actual and reasonable  
892 expenses incurred by a professional bondsman in the apprehension of  
893 a defendant because of a forfeiture of a bail bond or judgment may be  
894 deducted if such expenses are accounted for.

895 (d) Any person who violates this section shall be subject to the  
896 penalties for larceny under sections 53a-122 to 53a-125b, inclusive, of  
897 the general statutes, depending on the amount involved.

898 Sec. 23. (NEW) (*Effective October 1, 2011*) Upon the request of a  
899 person licensed as (1) a professional bondsman under chapter 533 of  
900 the general statutes, (2) a surety bail bond agent under section 38a-660  
901 of the general statutes, as amended by this act, or (3) a bail  
902 enforcement agent under sections 29-152f to 29-152i, inclusive, of the  
903 general statutes, the Judicial Branch shall verify whether a rearrest  
904 warrant or capias issued pursuant to section 54-65a of the general  
905 statutes is still outstanding.

906 Sec. 24. (NEW) (*Effective October 1, 2011*) A court shall vacate an  
907 order forfeiting a bail bond and release the professional bondsman, as  
908 defined in section 29-144 of the general statutes, the surety bail bond  
909 agent and the insurer, as both terms are defined in section 38a-660 of  
910 the general statutes, as amended by this act, if (1) the principal on the  
911 bail bond is detained or incarcerated in another state, territory or  
912 country, (2) the professional bondsman, the surety bail bond agent or  
913 the insurer provides proof of such detention or incarceration to the  
914 court and the state's attorney prosecuting the case, and (3) the state's

915 attorney prosecuting the case declines to seek extradition of the  
 916 principal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	38a-660
Sec. 2	<i>October 1, 2011</i>	38a-660a
Sec. 3	<i>October 1, 2011</i>	New section
Sec. 4	<i>October 1, 2011</i>	New section
Sec. 5	<i>October 1, 2011</i>	New section
Sec. 6	<i>October 1, 2011</i>	New section
Sec. 7	<i>October 1, 2011</i>	New section
Sec. 8	<i>October 1, 2011</i>	New section
Sec. 9	<i>October 1, 2011</i>	New section
Sec. 10	<i>October 1, 2011</i>	New section
Sec. 11	<i>October 1, 2011</i>	New section
Sec. 12	<i>October 1, 2011</i>	New section
Sec. 13	<i>October 1, 2011</i>	New section
Sec. 14	<i>October 1, 2011</i>	New section
Sec. 15	<i>October 1, 2011</i>	38a-11(a)
Sec. 16	<i>October 1, 2011</i>	29-145
Sec. 17	<i>October 1, 2011</i>	29-148
Sec. 18	<i>October 1, 2011</i>	29-149
Sec. 19	<i>October 1, 2011</i>	29-152
Sec. 20	<i>October 1, 2011</i>	New section
Sec. 21	<i>October 1, 2011</i>	New section
Sec. 22	<i>October 1, 2011</i>	New section
Sec. 23	<i>October 1, 2011</i>	New section
Sec. 24	<i>October 1, 2011</i>	New section

**Statement of Purpose:**

To improve the regulation of surety bail bond agents and professional bondsmen in this state.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. CRISCO, 17th Dist.

S.B. 28